

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 1999-02**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-018-99**

**DOCUMENTS INCLUDED IN THIS FILE:**

**YES SECRETARY OF STATE FILING FORM**

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**ORIGINAL DRAFTED BY COMMISSION**

**YES ADOPTED BY COMMISSION**

**AS FILED AND CODIFIED BY LCB**

Secretary of State  
Filing Data

For Filing Administrative  
Regulations

For Emergency  
Regulations Only

Effective Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Governor's Signature

### State Environmental Commission

Classification [ ] Proposed [ ] Adopted By Agency [xx] Temporary [ ] Emergency [ ]

**Brief description of action:** **Petition 1999-02 (R-018-99)** is a permanent regulation amending NAC 445A.232 "fees" in the water pollution program by extending the date of expiration from July 1, 1999, to July 1, 2001. The portion of NAC 445A.232 effective from July 1, 1999 to July 1, 1999 is repealed, and that portion of NAC 445A.232 effective on July 1, 2001 is retained. This petition affected mining water pollution control discharge fees. This petition amends a 1997 action where the fees were amended with three rolling escalating fee schedules between the time of adoption and the year 2001. Those mining water pollution control fees currently in effect were retained until July 1, 2001. The intermediate fee schedule was repealed by this action.

**Authority citation other than 233B:** NRS 445A.425 and 445A.430

**Notice date:** November 10, November 17 and November 24, 1998 and August 10, August 18 and August 26, 1999

**Hearing date:** December 9, 1998 (Temporary) and September 9, 1999 (Permanent)

**Date of Adoption of Agency:** December 9, 1998 (Temporary) and September 9, 1999 (Permanent)

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
PERMANENT PETITION 1999-02 (R-018-99)  
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445A. This permanent regulation deals with amendments to the water pollution control mining fees.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

**Petition 1999-02 (R-018-99)**, was noticed three (3) times: November 10th, 17th and 24th, 1998 as a temporary regulation and August 10, 18 and 26, 1999 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. The regulation was temporarily adopted on December 9, 1998 and permanently adopted on September 9, 1999 by the State Environmental Commission. No oral testimony was received on this regulation. No written comments were received from at the public hearing during adoption of the regulation. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

**2. The number persons who:**

(a)	Attended each hearing;	30
(b)	Testified at each hearing:	1
(c)	Submitted to the agency written comments:	0

**3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices. Oral testimony in support of the regulation was received from the Nevada Mining Association at the temporary adoption, however none was received during adoption as a permanent regulation. No written testimony was received from businesses on this regulation during temporary or permanent adoption. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted by the State Environmental Commission on September 9, 1999 without amendment to the regulation. No requests were made to amend this regulation.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

The permanent regulation is anticipated to have significant affirmative short or long term economic impact on Nevada businesses. The mining industry will see a decrease in the fees paid regarding mining water pollution control permits. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The regulations are no more stringent than federal regulations.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

There will be no additional fees, nor will there be an increase in fees associated with this regulation. The regulation decreases fees on the mining industry.

**END OF FILING STATEMENT FOR 1999-02 (R-018-99)**

# ADOPTED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R018-99

Explanation: Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: 445A.425 and 445A.430.

**Section 1:** Section 6 of LCB File No. R027-97, which was adopted by the state environmental commission and was filed with the secretary of state on October 29, 1997, is hereby amended to read as follows:

Sec. 6. 1. Section 2 of this regulation expires by limitation on June 30, ~~1999~~.

~~2. Section 3 of this regulation becomes effective on July 1, 1999 and expires by limitation on June 30, 2001.~~

~~3.~~ 2001.

2. Section 4 of this regulation becomes effective on July 1, 2001.

**Sec. 2.** Section 3 of LCB File No. R027-97, which was adopted by the state environmental commission and was filed with the secretary of state on October 29, 1997, is hereby repealed.

END OF PETITION 1999-02